

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.932 of 2007

Dated:06.02.2007

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Between:

- Dasari Gnan Raj Paul.

...Petitioner.

and

The Government of Andhra Pradesh and others.

...Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.932 of 2007

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ORDER:

The petitioner was appointed as Assistant Government Pleader for the Court of Junior Civil Judge, Sattenapalli, in the month of March, 2003, for a period of three years, by the 1st respondent, through G.O.Rt.No.412, dated 25.02.2003. After expiry of the term, he was kept in-charge of that Court till the next incumbent is appointed. The 1st respondent appointed the 3rd respondent in the place of the petitioner through G.O.Rt.No.1947, dated 30.12.2006. The petitioner challenges the same.

Smt.Maria Desai, learned counsel for the petitioner, submits that the 1st respondent did not follow the procedure prescribed in the instructions contained in G.O.Ms.No.187, dated 06.12.2000. She contends that though the petitioner was entitled to be appointed for a second term, particularly when he belongs to the Scheduled Caste, the 1st respondent ought not to have appointed the

3rd respondent. She further contends that the petitioner was not paid the remuneration for the period during which he worked.

Learned Government Pleader for Law and Legislation, appearing on behalf of respondents 1 and 2, submits that the term of the petitioner expired long back and he does not have any inherent right to insist on being appointed for the second term.

Learned Government Pleader for Home, appearing on behalf of the 3rd respondent, submits that the impugned G.O., does not suffer from any legal or factual infirmity and the writ petition deserves to be dismissed.

Admittedly, the petitioner functioned till the expiry of the term for which he was appointed. It is true that the instructions enable the Government to consider the feasibility of appointing an incumbent for the second term also. That, however, would depend on, subjective satisfaction of the 1st respondent. No one can compel the 1st respondent to appoint him either for initial term, or for any extended term. It is not known as to whether the case of the petitioner was considered, when the 3rd respondent was being appointed. The petitioner has already made a representation to the 1st respondent in this regard.

Hence, the Writ Petition is disposed of, directing the 1st respondent to consider the representation, dated 22.10.2006, submitted by the petitioner and dispose of the same in accordance with law. So far as the payment of honorarium is concerned, it is directed that the petitioner shall be paid the same, for the period during which he

worked. There shall be no order as to costs.

Dt.06.02.2007
L.NARASIMHA REDDY, J

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Note: Furnish C.C. in three days.
(B/o)
GJ